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# Foreclosures for Sale: Revisiting Stories of Worcester's Mortgage Crisis, A Radio Documentary


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**FORECLOSURES FOR SALE: REVISITING STORIES OF WORCESTER'S MORTGAGE**

**CRISIS**

**A RADIO DOCUMENTARY**

**HALLIE BLASHFIELD & BEATRICE MISHER**

**MAY 2018**

**A Master's Paper**

**Submitted to the faculty of Clark University, Worcester, Massachusetts, in partial fulfillment of the requirements for the degree of Master of Arts in the department of International Development, Community, and Environment.**

**And accepted on the recommendation of**

**Ramon Borges-Mendez, Chief Instructor**

## **ABSTRACT**

### **FORECLOSURES FOR SALE: REVISITING STORIES OF WORCESTER'S MORTGAGE**

### **CRISIS, A RADIO DOCUMENTARY**

**HALLIE BLASHFIELD & BEATRICE MISHER**

This radio documentary uses the personal stories of homeowners fighting to keep their homes in Worcester Massachusetts to explore the state of Foreclosure in Worcester ten years after the Great Recession. It follows the Worcester Anti-Foreclosure Team (WAFT) and its members in their fight against illegal foreclosures and their battles in Worcester Housing Court. Grounded in personal narratives, the documentary highlights systemic issues with the banking and legal system.

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**Date: May 2017**

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**Date: May 2018**

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**Source: Clark University**

**Date: May 2017**

**HALLIE BLASHFIELD:** In October 2017 The Worcester Regional Research Bureau released a new report, Foreclosure in the City of Worcester.

**TIM MCGOURTHY:** This report came about because Worcester, like the nation, struggled with the issue of foreclosures for a number of years.

**HALLIE BLASHFIELD:** That's Research Bureau executive director Tim McGourthy.

**TIM MCGOURTHY:** Beginning around 2008 foreclosures grew as the great recession grew and in Worcester we felt that impact. And the challenge became what should municipal government do to address foreclosures. And the Worcester regional research bureau – we are a non-profit focused on putting forth informed municipal public policy. So we decided to look into the issue and write a report.

**HALLIE BLASHFIELD:** McGourthy explains how foreclosure happens in Massachusetts.

**TIM MCGOURTHY:** When someone takes out a mortgage or borrows money to purchase a home, they then become obligated to repay that mortgage over a period of time. If as a result of job loss or medical condition or something, that person is unable to pay the monthly cost of maintaining that mortgage, at some point the bank will notify that owner that they are in arrears, and if that arrearage is not addressed, the bank will initiate foreclosure proceedings. In Massachusetts we are a non-

judicial state which means you grant the bank the right to sell your home under the terms of the mortgage for lack of repayment.

**HALLIE BLASHFIELD:** The report shows that the number of petitions to foreclose in Worcester began to grow in 2014. They increased by 80% in 2015, and saw a 17% increase in 2016.

**TIM MCGOURTHY:** Those in the field were telling us these are not new homes coming under foreclosure, these are homes that have been on a foreclosure list for many years, that are finally moving forward.

**HALLIE BLASHFIELD:** And what has the response to this report been?

**TIM MCGOURTHY:** Quiet. Uhh we were a little surprised that it was not really picked up or addressed by anyone.

[MUSIC CROSSFADE]

**HALLIE BLASHFIELD:** I'm Hallie Blashfield.

**BEATRICE MISHER:** I'm Beatrice Misher. And you're listening to Foreclosures for Sale: Revisiting Stories of Worcester's Mortgage Crisis.

[MUSIC]

One group that has not been quiet about the issue of Foreclosure is the Worcester Anti Foreclosure Team, or WAFT for short. WAFT is a mutual aid organization founded in 2008. Their mission is to educate community members about their rights when it comes to the foreclosure process. WAFT has received attention and criticism locally. They take an aggressive stance against what they say are illegal tactics used by large banks and their lawyers in foreclosure cases.

**HALLIE BLASHFIELD:** On Saturday February 3rd Beatrice and I arrive at WAFT's headquarters. We're here to meet outreach coordinator Chris Horton. Every weekend Chris leads other volunteers in knocking on the doors of houses that have been foreclosed and scheduled for auction to try and connect with homeowners and tenants.

It's 20 degrees outside when we get to the office, and Chris is late. A nearby couple say they're WAFT members and invite us to wait in their car where we get to talking about their foreclosure experience.

**HALLIE BLASHFIELD:** Are you still fighting your foreclosure?

**MIRANDA SOUDA:** Yes, I am. And we're getting results. Without them I don't know where I would be to tell you the honest truth. You call them, they'll answer. They're with you step by step. Through the courts, through, um, your paperwork and stuff

**HALLIE BLASHFIELD:** That's Miranda Souda. A warm and talkative certified nursing assistant, Miranda came to the U.S. from Dominica, a small caribbean country, in 1986. She met her husband Carey Souda, a soft spoken airman for the U.S. military in 2014 and the couple soon started dating.

**MIRANDA SOUDA:** [LAUGHING] I was at my friends house and Carey was walking down the street and- you want to finish up the story?

**CAREY SOUDA:** Yeah, they were having a party outside. I just kinda walked by.

[CROSSTALK]

**MIRANDA SOUDA:** You know, they crashed the party [LAUGHING]. Let's just put it that way. We invited them and we were introduced and Carey just sat there and kept looking at me and looking at me. And then the next day he texted me and said he had a wonderful time. I'm like *okaay*. And we just kept texting. And then I said why don't you just call me, you know, instead of texting all the time. And he called and I had to put the volume up so high, cause he was talking so soft. I couldn't hear a thing. I was like YEAH? YEAH? 15 minutes we spoke, and then the rest is history.

[LAUGHING]



**HALLIE BLASHFIELD:** Miranda had purchased her Worcester home in 2006. But 2013, she broke her leg and had to stop working for over a year. As her income slowed she defaulted on payments and after trying for months to modify her payment agreement, the bank initiated foreclosure proceedings.

**MIRANDA SOUDA:** I been fighting with them, not really fighting. Trying to work with them to get like a payment plan and get everything back together. They call it like a loan modification. And every month it was always something. Either the paper wasn't right, or it's outdated. I have to start all over again. I have about fifty files with the same stupid questions. You know– the packets. They'll send you this big packet and you fill it out and you send it out. And they'll send it back- well you're missing this document. You send out the document. 'We didn't find it. We need you to send it out again.'

**HALLIE BLASHFIELD:** Carey Souda,

**CAREY SOUDA:** It was like a year after we started dating and then tried to do the loan modification paperwork and it just kept going in circles for like another year and a half and then they were going to foreclose in June of '17 and then in October that's when it went through and we all protested it.

**HALLIE BLASHFIELD:** Miranda was devastated about the foreclosure.

**MIRANDA SOUDA:** I was so sad. I was like oh god what am I going to do. What am I going to do. Where do I go from there? Sometimes you don't have enough finance to get from point A to B.

**HALLIE BLASHFIELD:** While the bank was initiating the foreclosure, Carey was deployed in Iraq. A federal law established in 1940 called the Servicemembers Civil Relief Act protects active duty military servicemembers from foreclosure and other judgements while deployed. At first Miranda didn't realize the law's relevance to their situation and didn't disclose Carey's status. But even once Carey returned and notified the bank, they continued with the foreclosure.

Now Miranda and Carey are involved in ongoing efforts to fight the foreclosure and regain ownership of their home. They got involved with WAFT when outreach coordinator Chris Horton knocked on their door one day.

**MIRANDA SOUDA:** That day I was going to work and I saw Chris and another lady and he said 'can I talk to you?' and I was like okaaay. But I was kind of, you know, leery and and then he said, um, 'well we saw that your house was being foreclosed on, but we just want you to know you can stay in your house.' And I was like, are you sure? And he said yes and he continued explaining to me and telling me. So he won my interest and my trust. And I went to a meeting and it was like as if a weight was lifted off my shoulders. Seriously, a weight. I don't know about tomorrow, but for now I'm confident.

**HALLIE BLASHFIELD:** On this Saturday Miranda is hoping to bring this same kind of relief to other struggling homeowners. If no one comes to the door, members of WAFT leave them a pamphlet of information.

**MIRANDA SOUDA:** Some people we knock on the door and you can see them looking through the window and as soon as we leave they'll grab the paper. So I'm hoping. Chris says if you touch one person, you've done a good job. So I'm hoping today we do something.

**HALLIE BLASHFIELD:** Once Chris arrives Beatrice and I split up. I go along with Chris while she accompanies Miranda and Carey.

**BEATRICE MISHER:** As we get in the car, Miranda and Carey show me a map with the locations of houses with upcoming auctions. Each week Chris painstakingly compiles these Worcester County addresses from online databases like [masspublicnotices.org](http://masspublicnotices.org), and local newspapers. This will be our guide for the day, and so we set off with the classic rock station playing in the background.

[FADE INTO CAR MUSIC]

**BEATRICE MISHER:** The first two houses we stop at have already been vacated by the owners. Miranda is discouraged.

**MIRANDA SOUDA:** And can you imagine driving all day? You know sometimes we start at 2 and go all day until 5. And still haven't touched anybody! It's very depressing.

**BEATRICE MISHER:** At the third house we pull up to there are papers tacked on the front door and scattered around the yard.

**MIRANDA SOUDA:** It's so sad, it's all boarded up. The constables put these papers on top of it.

**BEATRICE MISHER:** The Director of Community Initiatives at the Main South Community Development Corporation, Casey Starr, told us how foreclosures impact not only individuals but also entire communities.

**CASEY STARR:** In the context of properties within our neighborhood that have gone through foreclosure and are now bank owned properties, you know you're left with a property that doesn't have people living in it. It's like a property that doesn't have people living in it is always at risk of being violated.

**BEATRICE MISHER:** Yvette Dyson, The Executive Director of Worcester Common Ground Community Development Corporation, agrees.

**YVETTE DYSON:** So foreclosure in general devastates a neighborhood. You don't want to see that happen to the buildings and then there's squatters in there and it becomes a safety issue and the building's deteriorating.

**BEATRICE MISHER:** Again, Casey Starr.

**CASEY STARR:** We've had a really difficult time getting banks to actively manage the properties that they own. So that means simple things like trash on the property, and windows being blown out. The snow removal is a huge issue.

**BEATRICE MISHER:** After 5 unsuccessful stops, we finally find someone who is still in their home, just as the sun is setting.

[DOOR KNOCK]

**MIRANDA SOUDA:** Hi!

A man in his 30's answers the door holding a baby with other children behind him. He seems suspicious at first. Miranda and Carey explain how they were also foreclosed on and are still living in their house. The man says adamantly that his house is being illegally foreclosed on and that he is prepared to fight to keep his home. Miranda and Carey invite him to the next WAFt meeting.

**MIRANDA SOUDA:** Wooooo! Ahhh! [LAUGHING]

**BEATRICE MISHER:** Back in the car, Miranda celebrates the fact that they finally reached someone.

**MIRANDA SOUDA:** [LAUGHING] It was worth it let me tell you. And the idea that he wants to fight for his house...

**BEATRICE MISHER:** As we start driving back to the WAFT headquarters, Miranda asks if I've heard from Hallie and Chris.

**BEATRICE MISHER:** When I texted her last she said they had just gotten to their first house.

**MIRANDA SOUDA:** Oh wow, it's going to be a long night for her.

**HALLIE BLASHFIELD:** By the time Miranda and Carey are finishing their list, Chris is just getting started. Chris Horton is WAFT's volunteer outreach coordinator. 10 years ago he was retiring from teaching as the economic crisis accelerated. Driven by a passion for justice, he joined WAFT. The 73 year old now goes door knocking most weekends.

At the first two houses we visit, no one is home. But at the third address, a modest single family home in Shrewsbury, there are still Christmas decorations up. As we walk up to the front door we can see that lights are on inside. Chris knocks.

[DOOR KNOCK]

**HALLIE BLASHFIELD:** A woman answers her door with a toddler on her hip. Several other children play in the room behind her. As Chris explains why he's there she takes his information and writes down the upcoming auction date. She is a tenant and clearly has no idea that the house has even been foreclosed upon. After her husband appears and she explains the situation to him in Portuguese, Chris tells her he might be able to arrange for a Portuguese translator to be at a meeting. She says they'll come if they can get a babysitter.

**CHRIS HORTON:** I'm not convinced that she's going to come to our meeting. But we'll follow up with a phone call.

**HALLIE BLASHFIELD:** Is it common that you're the first person to tell her about the foreclosure?

**CHRIS HORTON:** Yes. Very common. When we get to a place after the foreclosure, it's very common for the tenants not to even know it's been foreclosed. Sometimes they're completely outraged. 'How can you do that to me? We've been friends for thirty years.' But landlords are terrified that if the tenant finds out they'll just stop

paying rent. And that could be the final blow for their effort to hold on to the building.

**HALLIE BLASHFIELD:** State and federal laws protects tenants in foreclosed buildings from being evicted before the end of their lease. However, there is no legal requirement that tenants be notified about a foreclosure. If their landlord doesn't inform them, the only way they would know is if they happened to read the auction notice in the newspaper.

At the final address Chris rolls down his window and directs a flashlight at the house to read the number. Soon, a young man approaches and stands aggressively over the driverside of the car questioning us about our presence. Chris gives him a WAFT brochure, but the man seems distrustful. He tells us it's his family's house, and that we need to leave. As we pull over a few blocks away to meet Beatrice, I ask Chris about the interaction.

**HALLIE BLASHFIELD:** I'm curious how often that kind of thing happens

**CHRIS HORTON:** Where he comes out-

**HALLIE BLASHFIELD:** Mmhmm. Or- he seemed a little suspicious of you.

**CHRIS HORTON:** That is very normal. Very normal. They have fraudulent loan modification specialists coming to offer to save their home for \$5,000. They have lawyers coming offering to do a bankruptcy to save their home for 3 thousand



dollars. You have real estate agents coming around trying to talk them into a short sale. Bank agents coming around trying to get a look at their property. And they don't know what's going to happen next and they're scared.

**HALLIE:** How does it feel to be trying to get these resources to them when they're feeling so suspicious of you?

**CHRIS:** Can't let it get to me. I just have to be relentless because I know what's on the other side. A huge relief and gratitude if they reach the point of choosing to trust us. Because basically they're alone now. There is nobody that's really on their side, and they don't know what's going to happen next. They're frustrated and angry. And, very often by the time it's come to the foreclosure they've reached the point where they're just exhausted with being angry. You can't stay angry forever. It will tear your body down. It will tear apart your mind and your body and ruin you health. We're showing up right around that time, and so it takes some persistence to break through. And sometimes we're too late. Sometimes people have already given up and there's nothing to be done about it. And they know that their home is being robbed and they know what the bank is doing is criminal and illegal, but they've already reached the point of exhaustion and resignation. Just waiting outside the court chambers I've had three people collapse with me. Two of them literally collapsed into my arms. One had a stroke, one had a blood pressure excursion. Neither of them recovered. Grace can quote statistics for you and I believe they're

true that the only life event that compares to a foreclosure is the death of a child in terms of how it impacts people.

**HALLIE BLASHFIELD:** A 2008 study done through Iowa State University found that foreclosure on a mortgage ranks just below familial death and disabling injuries as a stressor.

**CHRIS HORTON:** So, I'm not going to judge people for pushing me away. Sometimes- I've had one person threaten to get a shotgun, told me to leave and I dropped off a flier and he called me the next day. So some you can't win, but you can't give up.

**BEATRICE MISHER:** The stigma surrounding foreclosures can make it hard for people to talk to neighbors, friends, and family members about what they are going through. WAFT member Mychelyne Oliveira immigrated to the U.S. from Brazil with her husband in 2000. They bought their Worcester home in 2006. She recalls how her foreclosure made her feel.

**MYCHELYNE OLIVEIRA:** I felt ashamed of myself. I didn't have the courage to talk with a neighbor, or family or friend about my situation. Because oh it was my fault, I couldn't afford, you know. Until I realized it was more than just paying your mortgage.

**BEATRICE MISHER:** At one of WAFT's Wednesday night meetings it's possible to forget, only for a moment, that everyone in the room is facing a possibility of losing their home.

[MEETING CHATTER]

**BEATRICE MISHER:** Members greet each other with hugs, jokes, and life updates. Some people have been members of the organization for years. Each meeting begins with their bill of rights for homeowners and renters facing foreclosure which they read aloud as a group. The ritual is a reminder for returning members, as well as an introduction to new members. The first thing they go over in the meeting is a letter called the notice to quit. WAFT Organizer Lori Cairns explains how the notice works.

**LORI CAIRNS:** How many people have gotten their 72 hour notice? Alright, yeah, so it is a scary letter. It's a very legal letter and it makes you feel like you need to be out last week and everything you own. But don't panic. Call us, call us right away. Nothing's gonna happen. You know you don't get a letter in the mail and be evicted the next day. You have to go to court. Only the judge can evict you. And that's not even overnight either.

**BEATRICE NARRATION:** Many homeowners vacate their houses upon receiving their notice to quit. The foreclosure process is confusing and navigating it alone without legal representation can be daunting.

WAFT is a mutual aid organization, which means that members exchange resources and knowledge they've gained from their own foreclosure experience.

**GRACE ROSS:** So my name's Grace and I live here in Worcester, and I was a tenant in a foreclosed building in 2007.

**BEATRICE MISHER:** That's WAFT founder Grace Ross. She is also a lobbyist for the Massachusetts Alliance Against Predatory Lending and has been active in grassroots organizing for many years.

**GRACE ROSS:** The reason we that have these meetings is because you're not alone in getting run over by a bank, but everybody's been fighting alone. I often use the image of the gazelle, the lions get the gazelle who gets seperated off. So it's really important to hang together, we don't want the lions the keep picking you off. And that's why we meet together. So that you learn from each other, you can rely on each other, get to know each other's situations, what's succeeding.

**BEATRICE MISHER:** Only Organizer Lori Cairns is paid for her work. The rest of WAFT's members volunteer to assist each other.

**GRACE ROSS:** It's about paying it forward to the next person. You know, say you're housebound but you've got a phone and you're really good at listening to people when they're upset. 'Lot of people get upset understandably, and having a good ear

to listen can be the thing that makes a difference between somebody giving up or not.

**BEATRICE MISHER:** Lori Cairns,

**LORI CAIRNS:** If you have administrative skills you may be good on explaining to other people what they're going through, the court process. Or you may be good with paperwork, you know legal work whatever. But we need everybody to engage. That's how we get strong.

**BEATRICE MISHER:** A big part of the mutual aid of WAFT is that people support other members at stressful events like a housing auction or court date. They provide this help despite having full time jobs, children, and impending foreclosures of their own.

**GRACE ROSS:** So we're gonna keep fighting this but do you want us to come do a protest to make sure they don't do more illegal things at the auction?

**MILAD:** Absolutely.

**GRACE ROSS:** Are we going to stand by Milad?

**EVERYONE:** YES!

**BEATRICE MISHER:** WAFT recently added a second weekly meeting to help people prepare their own legal documents and practice for upcoming court appearances.

**GRACE ROSS:** Of the auctions of the people who have been coming to Monday night workshops and finding out how to postpone an auction, I think we're running at about a 75% success rate of postponing or getting auctions cancelled.

**BEATRICE MISHER:** Damaris Gachunga hopes to be one of those successful stories. She came to WAFT's headquarters on a frigid February night to prepare for her auction protest the following morning.

**BEATRICE MISHER:** And so your auction is tomorrow?

**DAMARIS GACHUNGA:** Yes, 10 o'clock.

**BEATRICE MISHER:** How are you feeling?

**DAMARIS GACHUNGA:** Very nervous. Because I've been in the property since 2005.

**BEATRICE MISHER:** Worcester Research Bureau's Tim McGourthy explains foreclosure auctions:

**TIM MCGOURTHY:** So the bank is not the owner until the auction. What the mortgage does is it grants the bank the right to sell the home, but not to take ownership of the home. So, on the auction day the bank will be present at the home. They'll have an auctioneer that will offer the home to sale to whoever is there standing at the house ready to purchase. If the highest bid comes in at, say, \$10,000 and the house is worth well more than \$10,000 and the mortgage is worth more than \$10,000 the bank can choose to purchase it itself.

**BEATRICE MISHER:** That's how auctions are supposed to happen. The morning of Gachungas' auction WAFT members are present to make sure the bank-hired auctioneer follows the appropriate protocols. Gachunga stands nearby as WAFT member Liz DeDoming points out the auctioneer as he arrives.

**LIZ DEDOMING:** Well I think that might be the auctioneer. What he does, he'll stand like here or something and she says she opposes him coming on the property, that's why they put caution tape up. And, like the people who are possible investors they're not supposed to come on the property and she says to them that she's gonna fight it the whole time and...

**BEATRICE MISHER:** As he gets out of the car the protesters become more alert.

**CHRIS HORTON:** Get any video of anything that happens here.

**LIZ DEDOMING:** Yep! No problem.

**CHRIS HORTON:** And we need to get a good picture

**LIZ DEDOMING:** Yep!

**BEATRICE MISHER:** WAFT records video of every foreclosure auction they attend in case the auctioneer or a representative of the bank does something they believe is illegal.

Several WAFT members say that bank witnesses who claim to have been present at their auction were not. Some even allege that their auction never physically took place but that a falsified change of ownership was still filed in the Registry of Deeds.

In Massachusetts a foreclosing party must possess both the mortgage and the promissory note in order to legally foreclose. We asked former federal litigator Sarah McKee to explain the two documents.

**SARAH MCKEE:** There are actually two parts of a mortgage loan. One of them is the promissory note in which you promise to pay the lender whatever the amount of that loan is under whatever terms there are in the note and the mortgage secures the repayment of the note.

**BEATRICE MISHER:** McKee has over 40 years of legal experience. She litigated for the U.S. Department of Energy. And in 2013 she was governor Deval Patrick's appointee for law to



the Massachusetts legislature's Registry of Deeds Commission. It was here she became concerned about banks cutting corners. She told us the common practice of electronically transferring mortgages between banks means that sometimes ownership can get confused.

**SARAH MCKEE:** Starting in the mid 80s, the Federal Tax Reform Act of 1986, banks got legal authority to take your mortgage and your note, bundle them up with another couple thousand of them, and sell the resulting stream of income from all of those mortgages to large investors, penchant funds.

**BEATRICE MISHER:** This process is known as securitization. In order to make the buying and selling of mortgage backed security trusts easier, in 1997 banks began using The Mortgage Electronic Registration System, or MERS. MERS replaced the public documentation of physical mortgage transfers with a privatized electronic system. It eliminated the need to transfer the physical documents. One result is that mortgages and their corresponding notes sometimes get separated or lost when lenders sell these securities and fail to properly document the chain of transfers. Banks often can not show evidence that they possess both the mortgage and the note, which provides a common argument against the validity of a foreclosure. We asked Sarah McKee why what seems like a technicality matters.

**SARAH MCKEE:** Well, one way it impacts is that you can be supposedly foreclosed by someone who does not own your mortgage. And the person who owns your mortgage is theoretically out there somewhere and can come in and want to be paid.

I know one homeowner who he's been foreclosed - same mortgage - by two different large banks and there is also a third financial institution that claims to own the mortgage.

**BEATRICE MISHER:** Back at Gachunga's auction the auctioneer requests to see a letter she claims she sent to the foreclosing party, Bank of America. The letter is a demand that Bank of America provide evidence that they hold not just her mortgage but also the note, which would give them legal authority to foreclose.

**AUCTIONEER:** And do you have that letter that they're responding-

**DAMARIS GACHUNGA:** They don't have it?! They got it. Why are they not providing you with one? Because I sent it to them and they received it. I sent it with uh, registered mail and the same - the following day they got it.

**AUCTIONEER:** I'm not talking to the bank, so.

**DAMARIS GACHUNGA:** Oh. Who are you talking to?

**AUCTIONEER:** I'm talking to the law firm, so.

**DAMARIS GACHUNGA:** Then they should get it from their side.

**AUCTIONEER:** They're trying. They're trying to talk to the bank.

**DAMARIS GACHUNGA:** Yeah. They need to get it from there. I'm not providing them because I sent them a document.

**AUCTIONEER:** That's up to you, ok.

**DAMARIS GACHUNGA:** [YELLING] No I have it. But why don't they provide? And they are working for them.

**BEATRICE MISHER:** Gachunga is frustrated because the bank's legal team is asking her to provide proof of the very documents they are having trouble obtaining from their own client. If this seems confusing, this might give you an idea of the difficulties homeowners say they have communicating with their mortgage holders.

**DAMARIS GACHUNGA:** Then why are you asking me? Ask the bank then get back to me.

**AUCTIONEER:** You know what it's like talking to the bank, getting answers from the bank.

**DAMARIS GACHUNGA:** Yeees.

**AUCTIONEER:** [LAUGHS] That's why I'm asking you.

**DAMARIS GACHUNGA:** That is how it is trying to get my house.

**BEATRICE MISHER:** If you didn't catch that, the auctioneer admits to Gachunga that it's virtually impossible to communicate with the bank. She already knows this.

The protestors wait in an awkward stand off with the auctioneer. At about 10:40 he approaches again, this time to begin the auction.

**AUCTIONEER:** But all the bidders left so there will be no third party sale.

**CHRIS HORTON:** Get the cameras rolling. So you do not have the right to step on this property. Your entry on this property is opposed. Do you want to tell him that?

**DAMARIS GACHUNGA:** Yeah. You have no right to enter in my property. Please.

**CHRIS HORTON:** Please get off the property.

**DAMARIS GACHUNGA:** Come this way please.

**CHRIS HORTON:** Please get off the property. Please get off this property. You are entering opposed and it is illegal.

[CROSSTALK]

**AUCTIONEER:** [READING QUICKLY] ... Notice of mortgage sale of real estate at 66 Crest Circle, Worcester, Massachusetts...

**CHRIS HORTON:** Please step off the property now.

**DAMARIS GACHUNGA:** We can not understand what you are saying. You need to get off of my property, it is illegal.

**CHRIS HORTON:** Please step off the property.

**DAMARIS GACHUNGA:** No, no, no, no. You need to get off of my property. You have no right. You have no right. You have no right. You have no right to do that.

[OTHER PROTESTERS BEGIN SHOUTING]

**FEMALE PROTESTER:** Get off the property.

**CHRIS HORTON:** This is an opposed entry.

**MALE PROTESTER:** She doesn't want you here!

**DAMARIS GACHUNGA:** Get off of the property.

**CHRIS HORTON:** Any claim that this is an unopposed entry will be perjury.

**AUCTIONEER:** [STILL READING] ... Bank of America ...

**DAMARIS GACHUNGA:** You are breaking the law. And you want us to obey the law.

Why are you breaking the law? You have no right to do that.

**CHRIS HORTON:** If you claim this as an unopposed entry you will be perjuring yourself, you'll be lying.

**DAMARIS GACHUNGA:** Yes that's a lie. You are on my property. That's illegal.

**BEATRICE MISHER:** The auctioneer continues to read as WAFT members tell him to leave the property. An old Massachusetts General Law known as foreclosure by entry and possession says that foreclosure may be carried out by a peaceable and unopposed entry onto the property in question. This is why the protesters use such specific language - if the auction is documented as a peaceable possession by entry, they will try to submit video evidence as proof that the entry was opposed.

**AUCTIONEER:** [SPEED READING]

**CHRIS HORTON:** One, two, three, four, no more constables at our door. Five six seven eight don't evict negotiate.

[PROTESTERS REPEAT]

**AUCTIONEER:** [STILL READING] [SPEEDING UP]

**CHRIS HORTON & PROTESTERS:** We're gonna beat back the bank attack, we're gonna beat beat back the bank attack.

[CHRIS HORTON AND PROTESTERS REPEAT TWICE]

**BEATRICE MISHER:** Since there aren't any third party buyers the bank will purchase the property itself.

**AUCTIONEER:** ...Bank enters a bid of 187 thousand two hundred and twenty eight dollars and ten cents. That's going once, twice, sold to the bank.

**BEATRICE MISHER:** In about five minutes, Gachunga's house has been sold back to the bank. When paperwork is submitted to legitimize the auction, it will be documented as a peaceable possession by entry. You may have noticed that you heard no bidding at this

auction. That's because the auctioneer was both facilitating the sale and bidding on behalf of the purchasing bank.

**HALLIE BLASHFIELD:** We were confused about how that works and what the auction looked like from an auctioneer's perspective, so we sat down with Frank Trepasso. Trepasso's business handles civil processes in Worcester such as evictions and foreclosure auctions.

**FRANK TREPASSO:** I'll have to say, with the banks I work for there's always a representative there for the bank. An attorney for the bank is there and myself. So there's always people present. Now I've been to other auctions where –and I don't know how this happens– where the auctioneer is the bank, the auctioneer is the agent, and he's the auctioneer. And personally I think there's some flaw in that part of the system.

**HALLIE BLASHFIELD:** Why?

**FRANK TREPASSO:** Well they give the auctioneer power of attorney because the attorney can't be there for the bank. But my argument there is, hey these banks are big enough and they have many employees, you send a representative from the bank to be there. By having power of attorney it's legal, but I think it takes away from any type of transparency or information that you might be looking for. Because the



auctioneer doesn't know. He does not know. And he doesn't have the legal wherewithal to answer a legal question either.

**HALLIE BLASHFIELD:** Trepasso told us that this sort of auctioneer behavior happens most often with large multinational banks.

**FRANK TREPASSO:** Bank of America, Santander, you know JP Morgan, like just huge banks.

**HALLIE BLASHFIELD:** As an auctioneer Trepasso takes issue with WAFT's tactics, however.

**FRANK TREPASSO:** My argument with WAFT is they don't really understand the complete scenario. They'll just pick up on one little thing and they'll run with it. I mean they're nice people, it's just that they don't understand, it's not that black and white. You're so anxious to buy a house, you get your loan, you what you're gonna pay every month. And then unfortunately you lost your job, it's not the bank's fault you lost your job, it's not the bank's fault your husband left you. They just assume that all the banks are bad. Personally, they cause more havoc than it's worth.

**HALLIE BLASHFIELD:** WAFT founder Grace Ross says it's more complicated than that.

**GRACE ROSS:** So the problem here is that there's this presumption that, well you know if we're out fighting for so many people, not *that* many people could have been illegal. Like the percentage of the foreclosures that are illegal can't be as high as those activists seem to make it look like they are. And the real problem is, they're way worse. The piece that's being missed is that this is not an individual phenomenon. It's being seen as an individual phenomenon. It's a systemic problem. So are there gonna be some folks who if there wasn't a pervasive injustice would be foreclosed on? Sure, that's always been true, there's always been a small percentage of folks who get foreclosed on and I'm sure there are a million reasons and some of them probably are still not legitimate. But we're not talking about that.

**HALLIE BLASHFIELD:** Through her work with the Massachusetts Alliance Against Predatory Lending Ross has realized that the real problem is that predatory lending is profitable. Predatory loans benefit the lender and ignore the borrower's ability to repay the debt. These types of lenders impose unfair terms on a borrower, either through intentional deception or by taking advantage of a borrower's lack of understanding of the loan. Often borrowers are drawn in by initially low monthly payments which will later double or triple.

**GRACE ROSS:** If you at it just as oh those idiots getting foreclosed upon, you miss the entire point. We're talking about a pervasive phenomenon where from 2001 to 2007, the top 1% income rose 10x faster than everyone else. It was the money from the housing bubble that fed the massive wealth increase of the very wealthiest. This isn't about whether Beatrice messed up on a mortgage payment. [LAUGHING] Right?

This is the driving force for a massive wealth accumulation by a tiny percentage of the entire world population and made inconceivable large amounts of money by draining wealth out of the pockets of homeowners. And the reality is that anybody who got one of these overpriced subprime mortgages who is still paying it is just as much a victim as someone who is foreclosed on. Anybody who pays on one of these subprime mortgages for the full 30 years will have paid 6 times the value of the house.

**HALLIE BLASHFIELD:** WAFT has been helping homeowner Nuncy Sullivan fight her foreclosure. She was the victim of a predatory loan, and even received a settlement from her lender, New Century Mortgage.

**NUNCY SULLIVAN:** My name is Nuncy Sullivan, I'm 57 years old and I live in Charlton, that's where my home is. I built it in 1999 with my ex-husband and I bought him out of the house in 2006 after a divorce. And at that time the market was incredibly inflated so I ended up having to double what we owed on the house to buy my ex-husband out. I didn't have credit in my own name, and so I was really at the mercy of who was going to give me a mortgage.

**HALLIE BLASHFIELD:** Sullivan found a mortgage company in Auburn, Massachusetts. They connected her with New Century mortgage.

**NUNCY SULLIVAN:** Although it sounded really high and my house was appraised at double. I didn't know any better. So I took what I could get so that I could buy this house out for my daughter. And little did I know it was a predatory loan, a subprime loan. Literally my mortgage went from 1400 a month to 3000 a month. Nine months later I had never missed a payment so I wanted to refinance so that I could make it more affordable.

**HALLIE BLASHFIELD:** A refinance replaces the existing mortgage with a new loan with more favorable terms. Another way that debt can be re-configured is through a loan modification, which is an adjustment to the terms of the borrower's existing loan.

**NUNCY SULLIVAN:** I had a really good career at the time, but this was also following an elderly parent being diagnosed with alzheimer's, trying to raise a child. I went to refinance the house nine months later and my house lost \$81,000 in equity, so I couldn't refinance.

**HALLIE BLASHFIELD:** Sullivan was able to stay on top of her payments until she lost her job in 2009. In 2011 Sullivan found out that because of her subprime loan she was eligible to receive \$104,000 to apply to her mortgage. It was part of a settlement then Attorney General Martha Coakley negotiated with investment bank Morgan Stanley. Coakley said that Morgan Stanley knew that New Century was making predatory loans, but continued to buy the loans and turn them into securities.

**NUNCY SULLIVAN:** June 15th, 2011, \$104,000 was applied to my mortgage to bring my mortgage down and make it more affordable. But that never happened. They applied the \$104,000 to the principle, but my monthly payments never decreased. So it became a never ending... As my career had to decrease as my mothers needs were increased.. I was trying to stay on top of the mortgage. Missed payments, tried to get refinancing. Then my mortgage was transferred to many different people so it went from New Century then they went bankrupt in 2008, so then it went to Countrywide went to Bank of America...

**HALLIE BLASHFIELD:** The selling of mortgages from one institution to another can be confusing for borrowers trying to communicate with their lender. It also means that the mortgage holder doesn't know much about the terms of the loan or the individual borrower.

**NUNCY SULLIVAN:** ...and Bank Of America finally sent it to the servicer Select Portfolio Servicing. Which are now in a major class action lawsuit. They just never processed anything. Like you would send them information for modification, and you'd send it repeatedly. 'we never got it. We never got it.'

**HALLIE BLASHFIELD:** As Sullivan struggled with the the mortgage servicer, her mother's health declined.

**NUNCY SULLIVAN:** And then my mother really became ill. Last January, a year ago I went to them and said look I need help because she's going to die. I'm trying to balance her life and my own, can we do a modification? And they came back and said no we can't do a modification.

**HALLIE BLASHFIELD:** But in March of 2017 Sullivan received news she had been approved for a loan modification.

**NUNCY SULLIVAN:** So I called them and I said what are you talking about I got approved you just told me in January I couldn't have a modification. I didn't sign any forms. 'Don't worry about it we took your application from 2 years ago.' And I said how could you do that when my whole financials aren't the same. So we need to do a current one because this isn't going to work... I didn't hear from them.

**HALLIE BLASHFIELD:** Sullivan got letter in May of 2017 informing her that her foreclosure auction would be June 27th.

**NUNCY SULLIVAN:** I called them hysterical, 'What do you mean? We're going to modify this loan I thought?' And it was like talking to brick walls, it's like you communicate to them and they have no idea about the last communication you had with them.

**HALLIE BLASHFIELD:** I asked a few experts in the field if this type of frustration is normal.

David Gasser is the Director of the Neighborworks Homeownership Center of Central Massachusetts, an organization that offers housing counseling to struggling homeowners.

**DAVID GASSER:** Communication, is always a big challenge for even us here who are professionals who understand the process and have done this many times before.

Mortgage companies are not always great– It's talking to any kind of bureaucracy or large corporation. It's really difficult to get good information from them, timely information. You know, sometimes you call the mortgage company talk to one person they tell you one thing, call back again and talk to another person they tell you something.

A lot of times, if they have a scheduled sale date they don't find out until a about a month before. And some mortgage companies won't even entertain a loan modification review unless it's 37 days out from the auction date, which they would never even have known there's an auction date 37 days before.

**HALLIE BLASHFIELD:** Bruce Boguslav is the Executive Director of HSI Trust HomeSavers, a non-profit consumer advocacy organization. Formerly a management consultant, he has used his knowledge of the finance industry to negotiate loan modifications on behalf of hundreds of clients. He says that the system is built to wear down borrowers.

**HALLIE BLASHFIELD:** Something that I've been hearing from people a lot is that even if they wanted to negotiate, they're having trouble even breaking in –

**BRUCE BOGUSLAV:** Exactly. That's the biggest hurdle. The whole thing is designed to test you. In the worst days, and it's only improved slightly, the folks who would be answering on the front line, you would find out that the most senior person in the group has been there 6 months. Mmk. You'd have certain people who were literally on the phones two hours after they just went through a two day training class where they were supposed to absorb everything there is to know about every type of mortgage. There's no way. There's no way anybody could do that. So what it results in for most people is a very very frustrating experience.

**HALLIE BLASHFIELD:** Boguslav says there is a difference between the contacts he has at banks and the helplines homeowners are directed to.

**BRUCE BOGUSLAV:** We are not dealing with the same organizations and the same people that an individual customer would be. They're going to be dealing with someone whose job and measurement is usually gonna be get them off the phone or to get them to pay as quickly as possible. We're dealing with folks whose measurement is retention, and to work with them.

**HALLIE BLASHFIELD:** Not all banks follow those practices. Karen Duffy is the President of Worcester Credit Union, where she has worked for 25 years. Whereas a traditional bank is



made up of customers, credit unions are member-owned financial cooperatives. Duffy says that in her view, lenders have a responsibility to work with borrowers.

**KAREN DUFFY:** We pride ourselves on being members of the community, good corporate citizens if you will. So, we look at it as a very personal interaction with our members. We keep open communications, my collections team is made up of very caring and considerate people. If a member has an issue all they're trying to do is keep that line of communication line open, bring them in for counseling, try to help them resolve whatever issue is happening. Any responsible lender should feel that responsibility of 'Let's work together, let's try to figure this out.' Because it's in no one's interest for the loan to go bad.

**HALLIE BLASHFIELD:** Duffy says that Worcester Credit Union has actually served as an intermediary for members struggling to communicate with other lenders about their mortgages.

**KAREN DUFFY:** We've actually been in the situation on a number of times where we have been helping people who are facing foreclosure from multinational or from national mortgage companies, banks. Think of what it is for someone who is facing the loss of their home. And they can't get a real person on the phone, and they can't come in to meet somebody, and they're asked for literally reams of documents to be faxed or, or emailed only to find out, 'well we didn't get it, send it again.' We've

intervened in those cases many times, and helped people resolve, either through refinancing with us or helping them resolve with the original lender.

**HALLIE BLASHFIELD:** Sullivan didn't have anyone to negotiate on her behalf, and her bank went forward with the sale of her house. But she says the auction, which was officially recorded as taking place at her home on June 27th, 2017, never happened.

**NUNCY SULLIVAN:** June 27th I was at home with my mother. I had transformed my living room which is facing the front of my home, into a hospital environment. I had a hospice person there, I had another PCA with me. And there was no auction on my front lawn. And I've been to auctions and I know what they look like and sound like. There was nothing that transpired on my lawn that day. Then I got a letter a few days later saying that the bank bought my house from the bank. Two weeks later my mother died in the home. And that's pretty much the story.

**HALLIE BLASHFIELD:** A week after the alleged auction Sullivan was contacted by the Worcester Anti-Foreclosure Team. WAFT has helped Sullivan navigate fighting her foreclosure in court. Because her mortgage was bought and sold so many times her current banks legal team didn't know about the predatory terms of the loan, her class action settlement, nor the falsification of her loan modification, all of which occurred under different banks.

Most WAFT members involved in fighting their foreclosures represent themselves in court.

I spoke with Dan Bahls, a housing attorney from Springfield Community Legal Aid

**HALLIE BLASHFIELD:** In Massachusetts what exactly is people's right in terms of legal representation when it comes to these type of housing cases?

**DAN BAHLS:** There is not one. There is not a right at all. Not in housing cases. The vast majority of litigants in housing court, um, particularly on the tenant or occupant side, are unrepresented.

**HALLIE BLASHFIELD:** Self-represented litigants are supposed to be treated in the same way as professional lawyers. Sullivan shared her experience representing herself in Worcester Housing Court.

**HALLIE BLASHFIELD:** What is it like to represent yourself in court?

**NUNCY SULLIVAN:** Boy is it scary. Let me tell you. I've done public speaking and I've been in front of large audiences. But when you're in front of a judge with someone who's gone to law school it's very intimidating and it's very scary. And when you know that she's automatically leaning towards him because she think his year of education is the absolute truth... This attorney's only been involved in this whole situation since November. He hasn't lived this. So how could she make a decision based on people who don't know my story. It's only because he has a law degree and

I don't. It was frightening because I was fighting for the most important– this biggest purchase I've made in my life, and the place where I've called home for the last 20 years, I was fighting for that.

**HALLIE BLASHFIELD:** Court is where Sullivan and other individuals fighting their foreclosures hope to get their evidence against the banks heard. But many feel that their cases are not being adequately examined. One reason for this is the complexity of foreclosure law. Springfield attorney Dan Bahls,

**DAN BAHLS:** Even an attorney who is volunteered to do housing cases for a long time may not know where to start with a foreclosure case. Because foreclosure is a very formal, archaic bit of law.

**HALLIE BLASHFIELD:** Again, former federal litigator, Sarah Mckee

**SARAH MCKEE:** One it's really complicated.... Most lawyers as soon as you say Uniform Commercial Code, their eyes glaze over. Another area of the law that is relevant is securitization law, that's a different area of the law. Bankruptcy law comes into this, tax law comes into it. Nobody knows all the relevant law.

**HALLIE BLASHFIELD:** Mckee says that a combination of ignorance of the law and discrimination against self-represented homeowners leads to banks not being held accountable in housing courts.

**SARAH MCKEE:** So here you are a homeowner fighting an illegal foreclosure and you are in housing court fighting it in the context that the plaintiff does not have standing to evict you because the plaintiff did not own the mortgage, did not hold the note and you're dealing with judges who don't understand what standing is. Which I have to tell you is shocking and you're up against a real bias against pro-se defendants. The courts don't want to listen to you. They don't want to take you seriously. It's very unclear whether some of the judges even read your pleadings. The palpable bias of the courts... when I tell lawyers who don't practice in this area what we see, they are aghast.

**HALLIE BLASHFIELD:** Attorney David Silverman is a self-described hired hitter for banks. He represents lenders in foreclosure cases, and disagrees with the allegations of bias.

**DAVID SILVERMAN:** Look, a lot of those people who are dissatisfied, they just think it's wrong that they have to pay their mortgage and if they don't they lose their home. If you can't afford it, I'm sorry but you can't own it. Personal responsibility has to mean something. America isn't a place where everyone should own a home and no one should ever be made to be responsible for their own actions. For one reason or another they think 'oh, housing court judges don't like the little people,' it boggles my mind how stupid that sounds. The judges in Worcester are more than capable of understanding the most complex foreclosure fact patterns.

**HALLIE BLASHFIELD:** Mychelyne Oliveira has been representing herself in Worcester Housing Court. She says that she's not asking for a ruling in her favor, but rather a fair examination of the facts.

**MYCHELYNE OLIVEIRA:** I will be happy if we have a judge say 'Their situation is really complicated so I'm going to look case by case... I'm not going to rule anything until I understand case by case.' When I say fair it's not 'oh the bank is wrong.' I'm not saying that. I expect to go to court and have someone look into my documents and if you don't understand go do some research or ask another judge to understand about foreclosure. Before you make a decision.

**HALLIE BLASHFIELD:** Oliveira is one of 18 pro-se, or self-represented, plaintiff's in a lawsuit, filed by members of WAFT, against Worcester Housing Court. In January the ACLU of Massachusetts filed a brief in support which alleges discrimination on the basis of self-represented status, disability and indigency. In Oliveira's case she requested a fee waiver on the basis that she did not have sufficient income to pay to access records of her hearings. Her indigency request, like several other plaintiff's, was denied. Grace Ross explains how the cards are stacked against pro-se litigants.

**GRACE ROSS:** If you choose to represent yourself, you then are your own lawyer. And they're supposed to treat you like every other lawyer. Which can be hard for folks because the expectations are pretty high, on the other hand, it turns out our judges don't think that somebody who is not a lawyer has a right to talk to them

about legal questions. You can't win. You've got very wealthy lawyers who are part of an industry that's making its money illegally. They come to relatively lower courts that are small courts like a housing court showing up in their fancy suits and they're up against folks who are every walk of life under the sun, but who are all pro se. It's really easy to see how that would add up to unfair circumstances.

**BEATRICE MISHER:** Few homebuyers go into a mortgage anticipating they'll end up battling for their house in court. When something goes wrong homeowners often face difficulty communicating with their mortgage-holder. Massachusetts is non-judicial state. This means that even if a homeowner believes that their foreclosure is invalid, they can't do much about it until after the auction has taken place. Once they do have the opportunity to go to court many report an uphill battle.

Experts in the field and homeowners alike say that changes need to be made at all levels of the process. Several community organizations offer financial education for first-time home buyers. The Homeownership Center is one of those organizations. Director David Gasser:

**DAVID GASSER:** People who take the first time home buyer course, or undergo first time home buyer one-on-one counseling are far less likely to default on their mortgage, and those that do, are more likely to recover from that default.

**BEATRICE MISHER:** A 2013 study by Neighborworks America found that borrowers who received pre-purchase counseling were one third less likely to become significantly

delinquent on their mortgage payments. Miranda and Carey Souda advise other new homeowners to do their research first. Miranda Souda,

**MIRANDA SOUDA:** When I first bought my house I was excited. My god I'm getting a house. And you know all they do when you go to buy a house, they have the, you know, the bank lawyers....the broker, and all you do is you just sign papers. 'Oh just put your signature there, there.' But you you're just in your glory because you know you're going to have your own house.

**BEATRICE MISHER:** Worcester Credit Union's Karen Duffy recommends another prerequisite – becoming financially literate about the home buying process.

**KAREN DUFFY:** So we wanna make sure people understand all their financial products and services because it's complicated, it's not like it used to be. Mortgages themselves are very complicated. So for instance a couple of weeks ago we had a first time home buyers session here. What we're trying to do is educate people. Here's how it works, here's what you need to do to protect yourself. Because sometimes even the applicant themselves is very excited, they're looking to buy a home and that's a very exciting thing. But it has to make sense for you financially.

**BEATRICE MISHER:** Duffy also points out that lending institutions need to be responsible in the loans they give.



**KAREN DUFFY:** We want to be responsible by helping them understand what makes sense for their budget and their lifestyle. It doesn't do anyone any good to tell people there's no down payment required, so we can get you this much bigger house than you thought you could get and the payments will be lower for a short period of time. I think the lessons to be learned are for all of us is that we need to educate ourselves, there is personal responsibility involved, so we need to educate ourselves and we need to work with organizations, institutions, lenders, who are willing to help us with that.

**BEATRICE MISHER:** Bruce Boguslav says that a switch away from local lending has reduced accountability within the industry.

**BRUCE BOGUSLAV:** Banks are not evil, but the problem is in the mortgage industry we have shifted from 80-90% local lending and they had skin in the game. So they would have to look their depositors in the eye. Which meant they would work with you. To a scenario that has flipped to 90% that the originator has no skin in the game whatsoever. And the loan is being passed all over the place such that the servicer is only interested in the servicing fees which they get paid regardless. There's a complete disconnection between the lending and the payments. Mortgages used to require, that whoever wrote it, their commission was spread over a period of time and was tied to the value of the mortgage. Meaning if they gave out a mortgage that was awful and it blew up, they only got a portion. If it succeeded they got paid over a period of time which lead towards sane and rational lending. We've

lost track of that. So linking it back to where writing a mortgage actually requires and is paid in a way that heads towards responsible lending, biggest policy change.

**BEATRICE MISHER:** As members of Congress advance bipartisan legislation that would loosen federal oversight on banks, Anti-foreclosure activists say that judges and the court system need to hold lenders and their legal teams accountable when they break the rules. Again, Sarah McKee,

**SARAH MCKEE:** It's next to useless to try to get a lawyer and go to court to try to stop a foreclosure. The courts have been very reluctant to rule for homeowners and remember back to all of these behind the scenes scurryings around with assignments of mortgage and endorsements of the note or not, a homeowner – well one who knows this stuff? You now know more than most people in this commonwealth. And if you don't think that's a scary thought... so here's your home, it's your – You raised your children here. You inherited from your parents, it's your biggest investment in your life and you don't know what's baring down on you.

**BEATRICE MISHER:** The Massachusetts Alliance Against Predatory Lending, as well as other groups, are pushing legislation that would create a separate court for foreclosure cases. In these courts they say foreclosure cases could be heard more thoroughly by judges with specialized knowledge. Grace Ross,

**GRACE ROSS:** It's a statewide court, the judges would ride circuit like the housing courts do where they go around the whole county and it's only a few judges across the state. The specialty courts that get set up tend to attract the judges who care about that, and there are several judges who've really drilled down on this, so if we could get them it would be a game changer... And hopefully if it was successful it would open the door to the idea that we really should be a judicial foreclosure state.

**BEATRICE MISHER:** If Massachusetts became a judicial foreclosure state, homeowners could make their case before their foreclosure is finalized. Nuncy Sullivan,

**NUNCY SULLIVAN:** We want our homes back. But we don't want our homes back so we can live scott free, we want our homes back so we can take care of them, so we can pay for them, so we can invest in them. But like I said, life happens and emergencies happen and because something major comes up in your life you're supposed to lose everything in your life?

[MUSIC]

**BEATRICE MISHER:** Activist Grace Ross sums it up like this,

**GRACE ROSS:** This was the first generation of widespread ability to own a home among people of color, immigrants, women head of household. The industry figured out pretty fast how to take that money away. 'Cause redlining they only stopped

your ability to collect wealth in a way, the most common way, through a home. Now they've figured out how to take that and everything else. Before this crisis happened if you had asked us why did the constitution say "Life, Liberty and Property" I think that we would have said. I don't know why property is in there. When you understand what it means to lose everything, it suddenly makes an awful lot of sense, why those were on equal footing.

[MUSIC]

**HALLIE BLASHFIELD:** We reached out to several of the banks mentioned in this story. Deutsche Bank and Bank of America did not return our requests for comment. Mychelyne Oliveira was evicted from her house and has been staying with family. She told us her children refuse to pass by their former home. After successfully postponing her eviction in March, Nuncy Sullivan was evicted this month. She has moved in with her ex-husband. Miranda and Carey Souda are still waiting to appear in court.

[MUSIC]

**BEATRICE MISHER:** Co-written and co-produced by Hallie Blashfield and myself, Beatrice Misher. Editorial oversight for Foreclosures for Sale provided by Ronald Schacter. Music by Nick Raymond. Special Thanks to Ramon Borges-Mendez, Melissa Marsland, Jim Blashfield, Keith Snodgrass, Lynda Misher, Troy Tyree at WCUW, and to all the people who lent their time and stories to help us understand this complicated subject.

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